

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

THIS DOCUMENT RELATES TO THE CASES
ON THE ATTACHED EXHIBIT

ORDER

(Dismissing Defendant American Medical Systems, Inc. with Prejudice
and Transferring Cases to MDL 2326)

Pending in MDL 2325, 2:12-md-2325 [ECF No. 7150], is a Joint Motion to Dismiss Defendants American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health LLC, Astora Women's Health Holdings, LLC, Astora Women's Health, Inc., American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., and Endo Health Solutions, Inc. with Prejudice filed by the plaintiffs, identified in Exhibit A, (attached hereto) and American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health LLC, Astora Women's Health Holdings, LLC, Astora Women's Health, Inc., American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., and Endo Health Solutions, Inc. with Prejudice (collectively, "AMS"), seeking dismissal of AMS as defendants in these actions with prejudice because all claims against AMS have been compromised and settled, including all claims, counterclaims, cross-claims and third party claims. Also pending is Plaintiffs' Motion to Transfer MDLs for these cases [ECF No. 7150].

For any case on Exhibit A that was subject to the Pretrial Order (Docket Control Order) entered on January 30, 2018, as amended on June 13, 2018 (hereinafter collectively referred

to as the “Omnibus PTO”) and is being transferred by this order to C. R. Bard, Inc. MDL 2187, American Medical Systems, Inc. MDL 2325, Boston Scientific Corporation MDL 2326 or Ethicon, Inc. MDL 2327, the court will no longer direct the Clerk to file in each individual case, the Omnibus PTO that corresponds to the MDL in which the case is being transferred.¹ All deadlines in the Omnibus PTO were the same across the MDLs cited above and all deadlines have since passed. Thus, the court finds it unnecessary to docket the corresponding Omnibus PTO for the MDL to which the case is being transferred. Any provisions of the Omnibus PTO continue to apply.

The court **ORDERS** that:

1. the Joint Motion to Dismiss AMS with Prejudice is **GRANTED**;
2. the Motion to Transfer MDLs is **GRANTED**;
3. the AMS defendants are **DISMISSED WITH PREJUDICE** from the actions listed in Exhibit A;
4. the actions are **TRANSFERRED** to MDL 2326; and,
5. the plaintiffs are directed to file the proper Amended Short Complaint, if applicable, in the individual member case within **fourteen (14) days** of entry of this order.

The court **DIRECTS** the Clerk to:

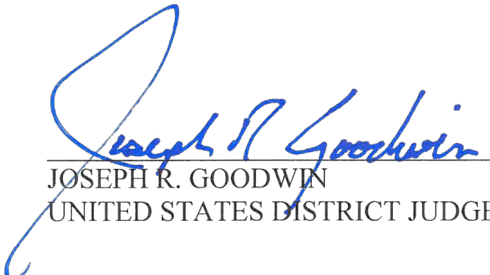
1. dismiss the AMS defendants from the individual civil actions with prejudice;
2. transfer the cases to MDL 2326, and if a case has a Wave flag set from the Omnibus Order, then change the Wave flag to the appropriate Wave flag;
3. file a copy of this order in 2:12-md-2325 and in the individual cases listed in Exhibit

¹ The Docket Control Orders entered in MDL 2187 – Wave 7, MDL 2325 – Wave 3, MDL 2326 – Wave 4 and MDL 2327 – Wave 8, on January 30, 2018 (as amended on June 13, 2018), set identical discovery dates, and pretrial motion dates. The Docket Control Orders were identical except for the necessary changes to make it applicable to each MDL.

A; and,

4. send a copy of this Order counsel of record and any unrepresented party.

ENTER: February 25, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A – NAPOLI SHKOLNICK & ASSOCIATES

CIVIL ACTION NUMBER (listed numerically in ascending order)	CASE NAME
2:17-CV-03336	Irma Saffell v. American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health LLC, Astora Women's Health Holdings, LLC, Astora Women's Health, Inc., American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Boston Scientific Corporation
2:17-CV-03337	Olivia Neece v. American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health, Inc., Astora Women's Health Holdings, LLC, Astora Women's Health LLC, American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Boston Scientific Corporation
2:17-CV-03342	Laura Reneau v. American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health Holdings, LLC, Astora Women's Health LLC, American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Boston Scientific Corporation
2:17-CV-03345	Karen Hellerstein v. American Medical Systems, Inc., American Medical Systems, LLC, Astora Women's Health LLC, Astora Women's Health Holdings, LLC, Astora Women's Health, Inc., American Medical Systems Holdings, Inc., Astora Holdings, LLC, Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Boston Scientific Corporation